

## REMARKS

This is a full and timely response to the non-final Office Action mailed November 7, 2008. Claims 1, 3 – 16, 21 and 22 are pending. The Applicants have amended claims 1 and 21, as indicated above. The Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

### I. Change of Attorney Docket Number

In future correspondence, please reference the application with Attorney Docket No. 03101.1030 instead of 03001.1030.

### II. Objection to the Specification

The Office Action objects to the specification on the basis of the acronym “OFAC” on page 10 of the specification. The Applicants respectfully submit that the acronym “OFAC” in reference to an “OFAC check”, as recited in the specification, is well known in the art and would be understood by one of ordinary skill in the art with reference to the Applicant’s disclosure to refer to one or more regulations promulgated by the United States Department of Treasury Office of Foreign Assets Control (OFAC). Accordingly, no correction is required and the Applicants respectfully request that the objection be withdrawn.

### III. Rejection Under 35 U.S.C. 112, Second Paragraph

The Office Action rejects claims 1, 3 – 16, 21 and 22 under 35 U.S.C. 112, second paragraph as allegedly being indefinite for failing to particular point out and distinctly claim the subject matter which the Applicants regard as the invention. The Office Action argues that the

recitation of “for clauses” in the claims renders them indefinite, although no specific recitations were identified in the rejection. The Applicants respectfully disagree and submit that the claims fully comply with the definiteness requirement. However, to minimize disputed issues, the Applicants have amended independent claims 1 and 21, as indicated above, by removing the word “for” from certain claim recitations and indicating that the corresponding recited structures are “configured to” perform the recited functions. Accordingly, the Applicants respectfully request that the rejection be withdrawn.

#### IV. Rejection Under 35 U.S.C. 103

The Office Action rejects claims 1, 3 – 8, 10 – 16, 21 and 22 under 35 U.S.C. 103 as allegedly being unpatentable over U.S. Patent No. 6,308,887 to Korman *et al.* (“Korman”) in view of U.S. Patent No. 5,984,180 to Albrecht (“Albrecht”).

The Office Action acknowledges that Korman fails to teach the following features in independent claims 1 and 21:

- (1) creating a financial account at the terminal;
- (2) receiving an authorization from the server to provide the selected financial service and for creating the financial account, the authorization including the server validating the session data against at least one requirement for providing the selected financial service and applying underwriting criteria to the session data; and
- (3) providing the selected financial service including the creation of the financial account.

The Office Action alleges that Albrecht discloses each of these features, and argues that “it would have been obvious to one having ordinary skill in the art ... to have provided the terminal of Korman with the account creation, receiving, and providing features of Albrecht in order to have enabled the terminal of Korman to provide ‘gift credit cards’ which are linked to a primary account and have a defined expenditure limit as taught explicitly by Albrecht.”

The Applicants respectfully submit that the Office Action mischaracterizes the teachings of Albrecht. Albrecht does not teach the feature of creating the financial account in association with the terminal from which the financial service is being requested. While Albrecht does teach creating a financial account, the financial account is not created in association with such a terminal, as recited in independent claims 1 and 21. Independent claims 1 and 21 recite the features of the terminal being operable to extract session data from a data source via a data interface, provide the session data to a server, and receive authorization from the server for creating the financial account by validating the session data. Albrecht does not teach these features.

Albrecht merely teaches that the consumer may provide authorization data to a credit storage and transaction system. The authorization data is not extracted by a terminal nor is it provided by a terminal to the credit storage and transaction system. The consumer enters the authorization data in a paper or electronic form, which is presented, delivered, or transmitted to the sponsoring institution or its authorized representative where it is then entered into the credit storage and transaction system. *See* Col. 4, ll. 26 - 37. Contrary to the terminal and system of claims 1 and 21, Albrecht clearly does not perform these features via a terminal requesting the financial service requiring creation of a financial account.

Therefore, even assuming for the sake of argument that the Office Action establishes a prima facie case for combining Korman and Albrecht (which the Applicants explicitly submit has not been established), a proper combination still fails to include all of the features recited in independent claims 1 and 21. A proper combination of Korman and Albrecht merely suggests creating a gift card separately from a terminal (as disclosed in Albrecht), and then enabling the Albrecht gift card to be used for performing transactions via the Korman terminal. For at least this reason, the rejection of independent claims 1 and 21 should be withdrawn and the claims allowed. The rejection of dependent claims 3 – 16 (which depend from independent claim 1) and dependent claim 22 (which depends from independent claim 21) should also be withdrawn and the claims allowed for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly, the Applicants respectfully request that the rejection of claims 1, 3 – 16, 21 and 22 be withdrawn and the claims allowed.

Notwithstanding the above, the Applicants have amended independent claims 1 and 21 to further clarify that the authorization for providing the selected financial service and creating the financial account includes “qualifying the customer for the financial account by applying the session data to a risk model comprising underwriting criteria”. Neither Korman nor Albrecht disclose, teach, or suggest this additional feature. For this additional reason, independent claims 1 and 21 (and claims depending therefrom) are patentable over any combination of Korman and Albrecht and, therefore, the rejection should be withdrawn and the claims allowed.

## CONCLUSION

For at least the reasons set forth above, the Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1, 3 – 16, 21 and 22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are requested. If in the opinion of the Examiner a telephonic conference would expedite examination of this application, the Examiner is invited to call the undersigned attorney at 813-382-9345.

Respectfully submitted,

/Adam E. Crall/

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## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: January 14, 2009

/Adam E. Crall/

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Signature